

### **III. REMARKS**

Claims 1-38, 40-44, 46-50 and 52 are pending in this application. By this amendment, claims 1, 11, 16, 23, 29, 36, 41 and 47 have been amended. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Office. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1-35, 41-44, 46-50 and 52 are rejected under 35 U.S.C. 101 as allegedly failing to produce a useful, concrete and tangible result. Applicants respectfully disagree with the Office's rejection, but in order to further prosecution, have amended these claims to more explicitly recite the tangible result of the application. Accordingly, Applicants request that this rejection be withdrawn.

In the Office Action, claims 1-35 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Mousseau et al. (U.S. Pat. Pub. No. 2003/0187938A1), hereinafter "Mousseau") in view of DeLuca (U.S. Pat. No. 5,225,826), hereinafter "DeLuca" and

Applicants' Background of Invention "ABI." Claims 37, 44 and 50 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Mousseau in view of Official Notice. Claims 43 and 49 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Mousseau in view of DeLuca. Claims 36, 38-42, 46-48 and 52 are rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Mousseau.

With regard to the 35 U.S.C. §103(a) rejection of claims 1-35 over Mousseau in view of DeLuca and ABI, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. For example, Applicants submit that the combined references fail to disclose or teach a log as claimed in the claimed invention. As the amended claims clarify, the claimed invention includes a unique log associated with every user. The log contains the status changes associated with the user, and it is the log entry itself that is communicated to the second messaging system.

Interpreting Mousseau for purposes of this response only, Applicants submit that Mousseau's system simply transmits data between a host computer and a portable device upon detecting that one or more user-defined triggering events has occurred. The data is automatically replicated or mirrored on the portable device. The user can then manipulate or make changes to the data, and those changes are communicated back to the host system. In contrast to the claimed invention, Mousseau's system discloses that the "message status icons are associated with messages at the host system." para. [0117]. In this way, message state changes are "communicated with a message" in Mousseau. para. [0118].

In contrast, the claimed invention compares a log entry on the first system with a log entry on the second system before replicating any changes. Changes are not just automatically

replicated between the two systems. Instead, the claimed system communicates a log entry, not the message itself, and this log entry is used to determine whether the status change (i.e. data) should be replicated.

Combining Mousseau with DeLuca does not cure the deficiencies noted above. DeLuca discloses a system for updating a message status on a pager. Applicants respectfully disagree with the Office's statement that "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine DeLuca's most recent status change of a message to Mousseau's system to simplify the task of message management. One skill artisan [sic] at the time of the invention would be motivated to do so to increase message throughput in Mousseau's system." Office Action at p. 4. Applicants submit that combining DeLuca with Mousseau would not be predictable and would not result in the claimed invention. Neither DeLuca and Mousseau disclose systems that communicate a status change entry from a log associated with the user on the first messaging system to a second messaging system. Further, neither DeLuca or Mousseau disclose using a log entry from a log that is unique to a user to determine whether a status change is more recent than any other status changes on a second log on the second system, before the status change is replicated. Accordingly, Applicants submit that this rejection be withdrawn.

The Office admits that neither Mousseau or DeLuca disclose "that the determination takes place on the second messaging system." The Office attempts to remedy this deficiency by citing the Applicants Background of Invention (ABI). The Office submits that the ABI teaches that "determining an event or action on a particular (first or second) messaging system is well known in the art." Applicants respectfully submit that this is a mischaracterization of the ABI.

In the paragraph cited by the Office, Applicants simply state that clocks of computer systems are often not synchronized. As such, this paragraph does not support the Office's rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With regard to the 35 U.S.C. §103(a) rejection of claims 37, 44 and 50 over Mousseau and Official Notice, Applicants assert that the Office's factual assertion is not properly based upon common knowledge. For example, Applicants assert that entering an entry at an end of a log associated with the user on a first messaging system is not well known and recognized in the art. Accordingly, Applicants respectfully request that the Office support the finding with references that show these features.

#### **IV. CONCLUSION**

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's

combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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